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Security Council

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Resolution 2238 (2015)

Adopted by the Security Council at its 7520th meeting, on 10 September 2015

The Security Council,

Recalling its resolution 1970 (2011) and all its subsequent resolutions on Libya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Calling on all parties to armed conflict to take all appropriate steps to protect civilians,

Recalling that all parties to armed conflict must comply strictly with the obligations applicable to them under international humanitarian, human rights and refugee law,

Welcoming the ongoing efforts of the United Nations Support Mission in Libya (UNSMIL) and the Special Representative of the Secretary-General to facilitate a Libyan-led political solution to the increasing challenges facing the country and *underlining* the importance of agreement, in accordance with the principles of national ownership, on immediate next steps towards completing Libya's political transition, including the formation of a Government of National Accord,

Recognizing the need for assistance planning for a Government of National Accord and security arrangements,

Welcoming the initialling of the Libyan Political Agreement of Skhirat, Morocco on 11 July 2015 by the majority of the Libyan delegates to the ongoing UN-facilitated political dialogue, *recognizing* the contribution of Member States to host and support meetings of that dialogue, and *emphasizing* the necessity for the constructive participation of the elected House of Representatives and other Libyan parties to take forward the democratic transition, build state institutions and start the reconstruction of Libya,

Urging the full, equal and effective participation of women in all activities relating to the democratic transition, conflict resolution and peacebuilding in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013), and in this regard *welcoming* the United Nations facilitation of meetings of women's participation within the framework of the ongoing Political Dialogue,

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Welcoming the efforts made by all participants in the UN-facilitated Libyan Political Dialogue and other tracks of the peace process, including the contributions of civil society, tribal leaders, local-level ceasefires, prisoner exchanges and the return of internally displaced persons,

Reiterating grave concern at the growing trend of terrorist groups in Libya proclaiming allegiance to Islamic State in Iraq and the Levant (ISIL) (also known as Da'esh) and the continued presence of other Al-Qaida-linked terrorist groups and individuals operating there, and *further reiterating* grave concern about the negative impact of their presence, violent extremist ideology and deadly actions in Libya, neighbouring countries, and the region, *reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, and *recalling*, in this regard, the obligations under resolution 2161 (2014),

Expressing deep concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which undermines stability in Libya and the region, including through transfer to terrorist and violent extremist groups, and underlining the importance of coordinated international support to Libya and the region to address these issues,

Reaffirming the importance of holding accountable those responsible for violations or abuses of human rights or violations of international humanitarian law, including those involved in attacks targeting civilians,

Recalling its decision in resolution 1970 (2011) to refer the situation in Libya to the Prosecutor of the International Criminal Court (ICC), *noting* the decision of the Pre-Trial Chamber dated 10 December 2014, and also *noting* the request of the Prosecutor to the Pre-Trial Chamber dated 30 July 2015 that Libya immediately surrender Saif Al-Islam Gaddafi to the Court,

Further recalling the arms embargo, travel ban, assets freeze and measures concerning illicit oil exports which were imposed and modified by resolutions 1970 (2011), 1973 (2011), 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2146 (2014), 2174 (2014) 2213 (2015) (the Measures), and that the mandate of the Panel of Experts established by paragraph 24 of resolution 1973 (2011) and modified by resolutions 2040 (2012), 2146 (2014) and 2174 (2014) was extended until 30 April 2016 by resolution 2213 (2015),

Encouraging the Libyan authorities to continue to implement measures to increase transparency of government revenues and expenditures, including salaries, subsidies, and other transfers from the Central Bank of Libya, and *welcoming* the efforts of the Libyan authorities to eliminate the duplication of payments and to guard against the illegal diversion of payments, and *encouraging* further steps in this regard that ensure the long-term sustainability of Libya's financial resources,

Emphasizing the need for all parties to respect the relevant provisions of international humanitarian law and the United Nations guiding principles of humanitarian emergency assistance,

Taking note of the report of the Secretary-General on the United Nations Support Mission in Libya (UNSMIL) (S/2015/624),

Taking note also of the special report of the Secretary-General on the strategic assessment of the UN presence in Libya (S/2015/113) including the recommendations on the configuration of the UN presence made therein,

Taking note of the final report of the Panel of Experts (S/2015/128) submitted pursuant to paragraph 14 (d) of resolution 2144 (2014) and the findings and recommendations contained therein,

Recalling its determination in resolution 2213 (2015) that the situation in Libya constitutes a threat to international peace and security,

1. *Calls for* an immediate and unconditional ceasefire, *underscores* that there can be no military solution to the ongoing political crisis, and *urges* all parties in Libya to engage constructively with the efforts of UNSMIL and the Special Representative of the Secretary-General to finalise the Libyan Political Agreement;

2. *Calls for* the immediate formation of a Government of National Accord, and agreement on interim security arrangements necessary for stabilising Libya through the UN-facilitated Libyan Political Dialogue;

3. *Calls upon* all Member States to fully support the efforts of the Special Representative of the Secretary-General;

4. *Encourages* Member States, particularly in the region, to continue to urge all parties in Libya to engage constructively in the UN-facilitated dialogue and work quickly towards a successful outcome;

5. *Condemns* the use of violence against civilians and civilian institutions and continuing escalation of conflict, including attacks on airports, State institutions, and other vital national infrastructure and natural assets, and *calls for* those responsible to be held accountable;

6. *Expresses* its deep concern over the increased tensions and displacement of civilians resulting from violence between armed groups, including in the South of Libya, and *urges* all groups to exercise restraint and work towards local and national reconciliation initiatives;

7. *Calls upon* the Libyan government to promote and protect human rights, including those of women, children and people belonging to vulnerable groups, and to comply with its obligations under international law, and *calls for* those responsible for violations of international humanitarian law and violations and abuses of human rights, including sexual violence, to be held accountable;

8. *Condemns* cases of torture and mistreatment, and deaths by torture, in detention centres in Libya, *calls upon* the Libyan government to take all steps necessary to accelerate the judicial process, transfer detainees to State authority and prevent and investigate violations and abuses of human rights, *calls for* all Libyan parties to cooperate with Libyan government efforts in this regard, *calls for* the immediate release of all individuals arbitrarily arrested or detained in Libya, including foreign nationals, and *underscores* the Libyan government's primary responsibility for promoting and protecting the human rights of all persons in Libya, including those of African migrants and other foreign nationals;

9. *Expresses* concern that the situation in Libya is exacerbated by the smuggling of migrants and trafficking in persons from and through Libyan territory, and *expresses* grave concern at the recent proliferation of, and endangerment of

lives by, the smuggling of migrants in the Mediterranean Sea, in particular off the coast of Libya;

10. *Calls upon* the Libyan government to cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor as required by resolution 1970 (2011);

11. *Encourages* Libya and regional States to promote regional cooperation aimed at stabilization of the situation in Libya, to prevent former Libyan regime elements and violent extremist groups or terrorists from using the territory of Libya or such States to plan, fund or carry out violent or other illicit or terrorist acts to destabilize Libya or States in the region, and *notes* that such cooperation would benefit regional stability;

United Nations mandate

12. *Extends* the mandate of the United Nations Support Mission in Libya (UNSMIL) until 15 March 2016 under the leadership of the Special Representative of the Secretary-General, and *further mandates* UNSMIL as an integrated special political mission, in full accordance with the principles of national ownership, shall focus, as an immediate priority, through mediation and good offices, on support to the Libyan political process towards the formation of a Government of National Accord and security arrangements, through the security track of the UN-facilitated Libyan Political Dialogue, and further, within operational and security constraints, shall undertake:

(i) human rights monitoring and reporting;

(ii) support for securing uncontrolled arms and related materiel and countering its proliferation;

(iii) support to key Libyan institutions;

(iv) support, on request, for the provision of essential services, and delivery of humanitarian assistance and in accordance with humanitarian principles;

(v) co-ordination of international assistance;

13. *Requests* that the Secretary-General continue to maintain the necessary flexibility and mobility to adjust UNSMIL staffing and operations at short notice in order to support, as appropriate and in accordance with its mandate, implementation by the Libyans of agreements and confidence-building measures or in response to their expressed needs, and further *requests* the Secretary-General keep the Security Council informed prior to such changes to UNSMIL in his reports pursuant to paragraph 15 of this resolution;

Sanctions measures

14. *Calls* upon all Member States to fully and effectively implement the aforementioned Measures, and *urges* the Libyan government to implement those Measures accordingly, in accordance with their obligations under the relevant resolutions and the Charter of the United Nations;

Reporting and review

15. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution at least every 60 days;

16. *Affirms* its readiness to review the appropriateness of the Measures contained in this resolution, including the strengthening, modification, suspension or lifting of the Measures, and its readiness to review the mandate of UNSMIL, as may be needed at any time in light of developments in Libya, particularly outcomes of the UN-facilitated dialogue;

17. *Decides* to remain actively seized of the matter.